

MINUTES

Performing Arts Room at the Student Union, Rose Hulman Institute
5500 Wabash Avenue
Terre Haute, Indiana 47803

September 6, 2000

7:08 p.m.

1. Mr. John Walker, Chairman, called the meeting to order. He noted that a quorum was present.

CALL TO ORDER QUORUM

2. Chairman Walker introduced the board members.

INTRODUCTION OF MEMBERS

Present: Mr. John Walker, Chairman
Mr. Thomas Anderson
Ms. Melanie Darke, Proxy, Lieutenant Governor
Mr. Howard Cundiff, Proxy, State Board of Health
Mr. Randy Staley
Mr. Marlow Harmon
Mr. Chris Horn
Mr. Phil Stevens

Staff members present were Ms. Janet McCabe, Assistant Commissioner, and Ms. Kathy Watson, Branch Chief. Others present are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Ms. McCabe, Assistant Commissioner, updated the board on the status of the nitrogen oxides SIP call. The U.S. District of Columbia Court of Appeals granted a request by industry to extend the compliance date of the rule from May of 2003 to May 2004. Because the Court didn't say anything about extending the State's time to develop the rules, Indiana is still operating on an October 2000 deadline, which it won't be able to meet.

REPORTS

In response to a question from Mr. Anderson, Ms. McCabe stated that she is not aware of any state that feels that they can make the October, 2000 deadline, although there may be some.

Ms. Nancy King, Legal Counsel, distributed three documents to the board members, regarding the Sunset Rulemaking statute and discussed the approach the department is taking to implement the requirements of IC13-14-9.5.

1. IDEM's Proposed Plan to Proceed with Sunset Rulemakings.
2. IDEM Rules Sunset, dated August 23rd, 2000, which was put together for an external meeting.
3. A list of all of the rules that have received comments during the first notice for the Sunset rule.

All rules have a seven-year date. The first thing that needs to be done is to move forward with those rules that are going to expire the soonest, that is those that will expire on January 1, 2002 or within a year of that. These rules would be in the first batch of rules that are going to go to a Second Notice on October 1, 2000.

Ms. Kathy Watson, Branch Chief, stated that there will be a rolling calendar for rule readoption, where all rules that the board adopts will have to be readopted within seven years. All rules will be subject to the readoption process. There is an expedited readoption process for those rules that are not commented on; those rules not commented on will be filed with the secretary of state and published in the Indiana Register as final rules.

Mr. George Needham, Director, Vigo County Air Pollution Control, welcomed IDEM's Air Pollution Board members to Terre Haute, Vigo County and Rose-Hulman Institute of Technology. Mr. Needham stated that Vigo County Air Pollution Control is one of seven local agencies under contract with the Indiana Department of Environmental Management. Vigo County Air Pollution Control will be purchasing their own air toxic monitoring equipment. Vigo County meets all of the National Ambient Air Quality Standards for the criteria pollutants. They've purchased two additional ozone monitors with their own funds; one will be placed upwind, and the other downwind of Terre Haute.

4. Chairman Walker introduced the June 7th, 2000 Air Pollution Control Board minutes.

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Ms. Darke moved to adopt the June 7th, 2000 Air Pollution Control Board's Meeting Minutes.
Mr. Cundiff seconded. The motion passed unanimously.

5. Chairman Walker introduced Exhibit 1, rule 326 IAC 6-1-10.1, Cerestar, as preliminarily adopted and proposed for final adoption, into the record of the hearing.

**CONSIDERATION OF
FINAL ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 6-1-10.1,**

Ms. Kathy Watson stated that this rulemaking concerns amendments for the particulate matter emission standards for Cerestar USA in Lake County resulting from modernization of the plant. The rule has not changed from the time that it was brought before the board last spring. It will be submitted to EPA as an amendment to the state implementation plan.

Mr. Staley moved to final adopt the amendments to rule 326 IAC 6-1-10.1. Mr. Anderson seconded. The motion passed 8-0.

6. Chairman Walker introduced Exhibit 2, draft rule 326 IAC 20-28-2, Hazardous Waste Combustor National Emission Standards for Hazardous Air Pollutants, into the record of the hearing.

**CONSIDERATION OF
PRELIMINARY
ADOPTION OF RULE 326
IAC 20-28-2, Hazardous
Waste Combustor National
Emission Standards for
Hazardous Air Pollutants**

Ms. Susan Bem, Environmental Manager, stated that the rule applies to hazardous waste burning incinerators, cement kilns and light-weight aggregate kilns. Currently, air emission limits for hazardous waste combustors are covered within the RCRA program. When this NESHAP is incorporated into state air rules, the emission limits will be eventually taken out of the RCRA permit and included in a Title V permit.

Ms. Watson stated that as a result of a recent court case, the U.S. EPA might modify their rule. If U.S. EPA does modify their rule, we will report this at the time of final adoption.

Ms. McCabe stated that this rule covers both minor and major sources.

Ms. Bem commented that, for this rule, all of the sources within the state are major sources.

Mr. Stevens moved to preliminarily adopt rule 326 IAC 20-28-1, Hazardous Waste Combustor National Emission Standards for Hazardous Air Pollutants. Mr. Harmon seconded. The motion passed unanimously.

7. Chairman Walker introduced Exhibit 3, draft rule, 326 IAC 20-27-1, Portland Cement National Emission Standard for Hazardous Air Pollutants, into the record of the hearing.

**CONSIDERATION OF
PRELIMINARY
ADOPTION OF RULE
326 IAC 20-27-1, Portland
Cement National Emission
Standard for Hazardous Air
Pollutants**

Ms. Bem stated that the rule covers the kiln, the raw material dryer, clinker coolers, raw mills, finish mills, material bins and conveying system transfer points and bagging system, and bulk unloading and loading units at the cement kiln. Anytime portland cement kilns burn hazardous waste, they'll have to comply with the Hazardous Waste Combustion NESHAP. Anytime they're burning coal, they must comply with the Portland Cement Manufacturing NESHAP. The rule won't have anything different for the particulate matter emission limits, but the dioxide furan emission limits will be new to these sources, so they will have to comply with that requirement, prior to promulgation of this NESHAP. The dioxin furan emission limit will be regulated not through add-on air pollution control device, but by controlling the temperature at the inlet particulate matter control device. All sources subject to this rule will be required to have a Title V permit.

Mr. Horn moved to preliminary adopt rule 326 IAC 20-27-1, Portland Cement National Emission Standard for Hazardous Air Pollutants. Mr. Cundiff. The motion passed unanimously.

8. The next board meeting is tentatively set for October 4, 2000, at 1:00 p.m., in Conference Room B, Indiana Government Center South, Indianapolis, Indiana.

NEXT MEETING

9. Mr. Cundiff moved to adjourn the meeting. Mr. Staley seconded the motion. Chairman Walker adjourned the meeting at 7:56 p.m.

ADJOURNMENT

John Walker, Chairman

Thomas Rarick, Technical Secretary

These minutes were taken from the September 6, 2000 transcript and were written on September 21, 2000 by Karol Chuma, Office of Air Management.